

#18/B
NB

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 30 January, 2004

Typed Name: Ann Marie Radcliffe

Signature: Ann Marie Radcliffe

() I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date of Facsimile:

Typed Name:

Signature:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Inventor(s): Schneider, et al.****Examiner: Jose R. Diaz****RECEIVED****Serial No.: 09/680,726****Group Art Unit: 2571****FEB 10 2004****Filing Date: 10/5/2000****Title: A VCSEL Device With Improved Modal Properties****OFFICE OF PETITIONS****Amendment**

THE ASSISTANT COMMISSIONER OF PATENTS

WASHINGTON, D.C. 20231

Dear Sir:

In a Final Action, dated 21 May 2003, having a three-month statutory period for response expiring 21 August 2003, please amend the application as follows:

In the claims:

1. (Cancelled)
2. (Cancelled)
3. (Currently Amended) A vertical cavity surface-emitting laser comprising:
a device structure, having a height z and an aperture, including
an active layer having an upper and lower surface, and
upper and lower distributed Bragg reflectors on the upper and lower
surfaces of the active layer and adjacent thereto;